



CASE D0251 NP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV304411659US
Express Mail Label Number

February 13, 2006
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1646

WHITNEY ET AL.

Examiner: LI, RUIXIANG

APPLICATION NO: 10/600,816

FILED: JUNE 20, 2003

FOR: IDENTIFICATION AND MODULATION OF A G-PROTEIN
COUPLED RECEPTOR (GPCR), RAI-3, ASSOCIATED WITH
CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)
AND NF- κ B AND E-SELECTIN REGULATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
WITHOUT TRAVERSE**

Sir:

In reply to the Office Action dated October 13, 2005, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group VI, without traverse, drawn to a method of diagnosing a pathological condition comprising determining the presence or amount of expression of a polypeptide in a biological sample.

The Office Action further directs Applicants to elect a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants provisionally elect the species of stomach tumor. Applicants reserve the right to have other species considered on the merits upon examination of this species.

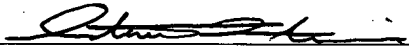
The Office Action further directs Applicants to elect a polypeptide sequence for any group drawn to a polypeptide, and a listing of all claims readable thereon, including any claims subsequently added. In response, Applicants provisionally elect the RAI3 sequence disclosed in Figures 11A-C, and provided as SEQ ID NO:3. Claims 13, 27, and 1 are readable thereon, in part.

A three-month extension is hereby requested pursuant to 37 CFR §1.136(a). Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$1020 for payment of the extension fee.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-5289
Date: February 13, 2006


Stephen C. D'Amico
Agent for Applicants
Reg. No. 46,652